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6 Jennifer Marquez, CSB No. 232194

E-FILED - 4/20/07

7 Attorney for Defendant, Dr. David Clark, M.D.

8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 KENNETH HOLCOMB, et al.

11 Plaintiffs,

12 vs.

13 DIRECTOR OF CORRECTIONS, CAL
14 TERHUNE, et al.

15 Defendants.

CASE NO. C 03-02765 RMW

16 STIPULATION AND [REDACTED]
17 ORDER TO CONTINUE TRIAL
18 DATE

19 On January 30, 2007, the court granted plaintiff's motion for order shortening time for
20 extension of expert reports, expert discovery, pre-trial and trial dates. The court ordered that the
21 trial date be continued from May 29, 2007 to August 27, 2007.

22 Counsel for Dr. David Clark, M.D. has a conflict with the August 27, 2007 trial date
23 because of two cases that are scheduled to commence trial. These two cases were consolidated
24 during the discovery phase, although will be tried as separate cases back to back. The first trial is
25 scheduled for July 31, 2007 in the case of *Summers v. County of Sacramento* in the Eastern
26 District Court Case No. CIV.S-02-2488 FCD/JFM and the second trial is scheduled for
27 September 11, 2007 in the case of *Abdollahi v. County of Sacramento*, Eastern District Court
28 Case No. CIV.S-02-2488 FCD/JFM.

In addition, counsel for Dr. Isaac Grillo has a conflict with the August 27, 2007 trial date
because of a prepaid vacation during that time frame.

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1 These conflicts have been discussed amongst counsel and all have agreed to move the
 2 trial date. In addition, counsel for Defendant, Dr. David Clark, M.D. has ascertained the
 3 proposed new date for trial with Judge Whyte's clerk, Jackie.

4 IT IS STIPULATED between the Plaintiff, Kenneth Holcomb, by and through his
 5 attorneys of record, Suzy Moore of the Law Offices of Suzy Moore, and Bill Schmidt of the
 6 Law Offices of Bill Schmidt, and Defendants, Cal Terhune, Anthony LaMarque, D. Holt, Jr., M.
 7 Ross, A. Alexander, K. Greeson, M.T.A. Harrison, and David Thor, M.D., by and through their
 8 attorney of record, Tom Blake of the Office of the Attorney General, and Defendant, Dr. Isaac
 9 Grillo, M.D., by and through his attorney of record, Maureen Loftis of the law firm of
 10 Galloway, Lucchese, Everson & Picchi, and Defendant, Dr. David Clark, M.D., by and through
 11 his attorney of record, Van Longyear of the law firm of Longyear, O'Dea & Lavra, LLP, that the
 12 trial of the above-entitled matter be continued from August 27, 2007 to **November 13, 2007** to
 13 commence at 1:30 p.m. **Pretrial Conference is set for November 1, 2007 @ 2:00 p.m. (jg)**

14 In conjunction with the new trial date, it is agreed that the hearing on dispositive motions
 15 will be continued from July 13, 2007 to be heard on or before October 26, 2007.

16 IT IS SO STIPULATED:

17 Dated: *March 20*, 2007

LAW OFFICES OF SUZY MOORE

18 By: *Suzy Moore*

19 SUZY MOORE
 20 Attorney for Plaintiff

21 Dated: February ____, 2007

LAW OFFICES OF SUZY MOORE

22 By: _____

23 BILL SCHMIDT
 24 Attorney for Plaintiff

25 Dated: February ____, 2007

OFFICE OF THE ATTORNEY GENERAL

26 By: _____

27 TOM BLAKE
 28 Deputy Attorney General
 Attorneys for Defendants

1 These conflicts have been discussed amongst counsel and all have agreed to move the
2 trial date. In addition, counsel for Defendant, Dr. David Clark, M.D. has ascertained the
3 proposed new date for trial with Judge Whyte's clerk, Jackie.

4 IT IS STIPULATED between the Plaintiff, Kenneth Holcomb, by and through his
5 attorneys of record, Suzy Moore of the Law Offices of Suzy Moore, and Bill Schmidt of the
6 Law Offices of Bill Schmidt, and Defendants, Cal Terhune, Anthony LaMarque, D. Holt, Jr., M.
7 Ross, A. Alexander, K. Greeson, M.T.A. Harrison, and David Thor, M.D., by and through their
8 attorney of record, Tom Blake of the Office of the Attorney General, and Defendant, Dr. Isaac
9 Grillo, M.D., by and through his attorney of record, Maureen Loftis of the law firm of
10 Galloway, Lucchese, Everson & Picchi, and Defendant, Dr. David Clark, M.D., by and through
11 his attorney of record, Van Longyear of the law firm of Longyear, O'Dea & Lavra, LLP, that the
12 trial of the above-entitled matter be continued from August 27, 2007 to **November 13, 2007** to
13 commence at 1:30 p.m. **Pretrial Conference is set for November 1, 2007 @ 2:00 p.m. (jg)**

14 In conjunction with the new trial date, it is agreed that the hearing on dispositive motions
15 will be continued from July 13, 2007 to be heard on or before October 26, 2007.

16 IT IS SO STIPULATED:

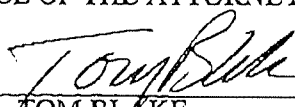
17 Dated: February ____, 2007 LAW OFFICES OF SUZY MOORE

18 By: _____
19 SUZY MOORE
20 Attorney for Plaintiff

21 Dated: February ____, 2007 LAW OFFICES OF SUZY MOORE

22 By: _____
23 BILL SCHMIDT
24 Attorney for Plaintiff

25 Dated: February 27, 2007 OFFICE OF THE ATTORNEY GENERAL

26 By: 
27 TOM BLAKE
28 Deputy Attorney General
Attorneys for Defendants

Stipulation and **XXXXXXXXXX** Order To Continue Trial Date

Page 2

1 Dated: February 28, 2007

GALLOWAY, LUCCHESI, EVERSON & PICCHI

2 By: 

3 MAUREEN LOFTIS
4 Attorneys for Defendant,
5 Dr. Isaac Grillo M.D.

6 Dated: February ____, 2007

LONGYEAR, O'DEA & LAVRA, LLP

7 By: _____

8 VAN LONGYI AR
9 Attorneys for Defendant,
10 Dr. David Clark, M.D.

11 PURSUANT TO STIPULATION, IT IS SO ORDERED

12
13 Dated: February ____, 2007

14 _____
15 Honorable Ronald Whyte
16 UNITED STATES DISTRICT JUDGE

17 J:\Holcomb v. Terhune\Pleadings\Stip Re Trial Date.wpd

1 Dated: February ____, 2007

GALLOWAY, LUCCHESI, EVERSON & PICCHI

2
3 By: _____

MAUREEN LOFTIS
Attorneys for Defendant,
Dr. Isaac Grillo, M.D.

4
5 Dated: April 6, 2007

LONGYEAR, O'DEA & LAVRA, LLP

6
7 By: *Van Longyear*

VAN LONGYEAR
Attorneys for Defendant,
Dr. David Clark, M.D.

8
9
10
11 PURSUANT TO STIPULATION, IT IS SO ORDERED

12
13 Dated: April 20, 2007

Ronald M. Whyte

Honorable Ronald Whyte
UNITED STATES DISTRICT JUDGE

14
15
16 I:\Holcomb v. Terhune\Pleadings\Stip Re Trial Date.wpd